

HOUSE BILL 3498
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4 and Title 68, Chapter 2, relative to the emission of certain air pollutants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1. Tennessee Code Annotated, Section 55-4-128 is amended by deleting subsection (a) (3) and substituting instead the following:

The Air Pollution Control Board created by T.C.A. Section 68-201-104 shall promulgate rules providing conditions under which owners of motor vehicles that do not successfully complete an emissions test may apply for waivers or variances. Such rules may set appropriate conditions for such waivers that are consistent with federal as well as state law and consider the expenditures made by the owner in order to come into compliance.

Section 2. Tennessee Code Annotated, Section 55-4-130 is amended by deleting subsection (a) and substituting instead the following:

(a) Sections 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) shall only apply in those counties that either:

- (1) have been designated by the Air Pollution Control Board to have an inspection and maintenance program because they are in a non-attainment area or because they contribute to non-attainment elsewhere; or
- (2) a resolution has been passed by the county commission of the county which specifically establishes an inspection and maintenance program for the county. The implementation of §§ 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) shall be in a manner as to assure compliance with the Clean Air Act, 42 U.S.C. § 7401 et seq., and the Air Pollution Control Act, Title 68, Ch. 201, Pt. 1.

Section 3. Tennessee Code Annotated, Section 55-4-130(b) is amended by deleting the introductory clause through the words and punctuation, "named in subsection (a)," and substituting instead the words, "For purposes of this section, the state or a county".

Section 4. Tennessee Code Annotated, Title 68, Chapter 201, Part 1 is amended by adding the following as a new, appropriately designated section:

Section (). It is unlawful for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under the federal Clean Air Act, 42 U.S.C. §§7401 et seq. prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

Section 5. Tennessee Code Annotated, Subsection 68-201-102(2) is amended by inserting a period after the words, "chimney outlets from any of the foregoing" and deleting the remainder of the subsection.

Section 6. Tennessee Code Annotated, Section 68-201-203 is amended by deleting it in its entirety.

Section 7. This Act shall take effect upon becoming a law, the public welfare requiring it.